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January 24, 1979

Ms. Beatrice S. Tylutki, Director
Solid Waste Administration
32 East Hanover Street
Trenton, NJ 08625

Re: Kit Enterprises, Inc.
Application 78-25

Dear Director Tylutki:

I am in receipt of your letter of January 24, 1979 regarding Kit's Application for a Chemical Processing and Treatment Facility. You have given me no assurance that the Application will ever be approved.

The Application was deemed completed for filing on or about June 20, 1978. On December 22, 1978 a Draft Registration and Engineering Design Approval was given to me by Dr. Buchanan, Chief of the Bureau of Hazardous and Chemical Wastes, within the SWA. On January 16, 1979, I was advised that you presided at a staff meeting regarding the Kit Application. Thereafter Dr. Buchanan prepared additional language at your direction, and provided for me a second Draft Registration and Engineering Design Approval on January 18, 1979.

The Applicant does not object to the language contained in either Draft.

Time is of the essence to have the Application approved. The interests of justice and fair play warrant your prompt action.

I submit to you as an Attorney at Law of New Jersey, that to the best of my knowledge, the Applicant has satisfied all applicable criteria. I further submit that this conclusion was expressed to me orally by Dr. Buchanan. Certainly I would not have received two Drafts if any problems did exist.

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Helen
Wayne - note
keep track of this
for future reference
Note

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Ms. Beatrice S. Tylutki

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January 24, 1979

The Applicant is left without any legal remedy, absent your prompt action. There is no ninety day rule with regard to Solid Waste Administration Procedures. I know of no direct judicial proceeding to challenge your inaction, nor have I been advised of any specific reason for the delay.

Having no legal remedy, I must beg you, in the spirit of justice and fair play to act upon this Application forthwith. Any further delay will certainly cause irreparable damage.

Yours truly,

George J. Gregory, Esq.

cc: Daniel O'Hern, Commissioner
Paul Arbesman, Assistant Commissioner
Dr. Ronald Buchanan
Eckhardt C. Beck, Regional Administrator
U.S. EPA

HAND DELIVERED